

REMARKS

Applicant appreciates the Examiner's thorough examination of the present application as evidenced by the Office Action. In an earlier Final Office Action dated June 24, 2005, Claims 10 and 12 were indicated as allowable over U.S. Patent No. 6,735,518 to Kim (hereinafter "Kim"). To expedite allowance of the application, Applicant submitted an Amendment dated August 12, 2005 that amended independent Claims 1 and 14 to include the recitations of Claim 10, and amended the remaining claims to depend from Claims 1 and 14 to place the application in condition for allowance. However, in the present Office Action, the Examiner has withdrawn the allowability of Claims 1-9 and 11-18, and now rejects those claims under 35 U.S.C. 103(a) as obvious over Kim in view of a reference cited as "The Cetus GPS Book".

However, Kim is not prior art under 35 U.S.C. 103(c) because Kim and the present application are commonly owned and the present application was filed after November 29, 1999. In particular, the present application claims priority to Korean Patent Application No. 10-2003-0002471, filed on January 14, 2003 in the Korean Intellectual Property Office. The publication date of Kim is November 7, 2002. Accordingly, Kim is a 102(e) reference relative to the present application, as acknowledged by the Final Office Action dated June 24, 2005.

Kim cannot be properly used in a rejection under §103 because the present invention and Kim were commonly owned by Samsung Electronics Co., Ltd. at the time that the present invention was made. Accordingly, § 103(c) removes Kim as a reference.

In particular, §4807 of the American Inventors Protection Act of 1999 (AIPA) amended §103(c) to recite:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of Section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

§4807 further states that the amendment shall apply to any application for patents filed on or after the date of the enactment of this act (November 29, 1999). S 1948 I.S. §4807.

Accordingly, because Kim and the present application were commonly owned at the time that

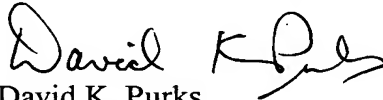
the present invention was made, Kim cannot be relied on as prior art in an obviousness rejection of the present application because the present application was filed on October 20, 2003 (*i.e.*, after November 29, 1999).

Moreover, Applicant notes that the pages cited by the Office Action from The Cetus GPS Book are dated September 30, 2005, which appears to be the date on which they were printed from the indicated website. The Office Action has provided no evidence that The Cetus GPS Book is prior art to the filing date of the present application. Accordingly, Applicant submits that The Cetus GPS Book cannot be properly relied upon as prior art to the present application.

Because neither Kim nor The Cetus GPS Book can be relied upon to reject Claims 1-9 and 11-18 under § 103, the rejection of those claims should be withdrawn.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is encouraged to contact the undersigned by telephone at (919) 854-1400.

Respectfully submitted,




David K. Purks
Registration No. 40,133
Attorney for Applicant(s)

Myers Bigel Sibley & Sajovec
PO Box 37428
Raleigh NC 27627
Tel (919) 854-1400
Fax (919) 854-1401
Customer No.: 20792

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 5, 2006.


Audra Wooten